

REMARKS

I. Introduction

Claims 15-28 remain pending in the present application. Applicants thank the Examiner for allowing claims 22-28. In view of the following remarks, it is respectfully submitted that remaining claims 15-21 are allowable in their present form, and reconsideration is respectfully requested.

II. Rejection of Claims 15 and 18-21 under 35 U.S.C. § 103(a)

Claims 15 and 18-21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,727,844 ("Zimmermann") in view of U.S. Patent No. 6,161,524 ("Akbarian").

Applicants note that Zimmermann qualifies as prior art (as applied against the present application) only under subsection (e) of 35 U.S.C. §102, since the issue date of Zimmermann (April 27, 2004) is: a) after the earliest invention date of the present application (February 22, 2002 – German priority filing date); and b) not more than one year prior to the effective U.S. filing date of the present application, October 14, 2002 (the filing date of the underlying PCT application from which the present application is based). Furthermore, Applicants note that the present application and the Zimmermann reference were, at the time the invention of the present application was made, owned by, or subject to an obligation of assignment to, the same person. (See, e.g., MPEP 706.02(l)(2) for establishing common ownership or an obligation of assignment to the same person, as required by 35 U.S.C. 103(c)). In view of the foregoing, Zimmermann cannot be relied upon by the Examiner in support of the obviousness rejection.

In addition, Akbarian clearly fails to anticipate claim 15 and its dependent claims 18-21. Therefore, claims 15 and 18-21 are in allowable condition, and the rejection of claims 15 and 18-21 based on Zimmermann and Akbarian must be withdrawn.

III. Objection to Claims 16-17

The Examiner objected to claims 16-17 as being dependent upon a rejected base claim, but the Examiner also indicated that claims 16-17 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants note that claims 16-17 are dependent on claim 15, which has been explained to be in allowable condition. Therefore, dependent claims 16-17 are also allowable in their present dependent form.

IV. Conclusion

In view of all of the above, it is respectfully submitted that all of the presently pending claims 15-28 are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

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